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Scott: Just fine, (Caller name). A little bit worse for wear and tear, but still going.

Caller: That's good. I had a few concerns about some stuff that's been going on on Maui. What we talked about the other week, and just wondering if you were able to ever get any more information on some of those complaints that are still outstanding.

Scott: Yeah. After you and I spoke, I walked upstairs, I think later that same day, and talked to Tom Matsuda about the concerns and about making sure that it was being applied according to the label. He was coming up, Tom and the Pesticide branch was coming up with protocols for both the state and the county Transportation Department on their spray protocols, so that's what he was doing, and then reaching out to both of those and going back in with additional training. As you probably heard, we did do training earlier in the year with the state's transportation people in Maui, but I don't know that we got to the county yet. That's what Tom said he was doing on that, on your concerns with the glyphosate being applied on roadsides and the re-entry period not being adhered to.

Caller: Yeah. My other concern is that they're still doing it, though. Is anything being done to address the current violations that are happening as we speak?

Scott: Having been out of the office for a good part of the last week, I obviously didn't follow up with Tom, but I can follow up today, before I get on a plane for Kauai this evening, and get back to you. I'll get back to you today, to see what, if anything, is getting done on that.

Caller: Yeah. When I spoke with him last time, he's the one that signed the Notice of Warning about the violation that occurred here where they weren't keeping people and pets off of the area until it dried. He's still aware it's going on, but they seem to be taking a back-seat approach, and letting each agency decide what they want to do and how they want to do it instead of just enforcing the label. The label is the law, according to the Department of Ag.

Scott: [crosstalk 00:02:22] Yes.

Caller: My other concern, and actually, this is a larger concern, is the results from Paia from one of the homes that had all the herbicides in it from two years ago. Do you know how many total homes have tested positive by you guys in the last couple years?

Scott: In that particular region/vicinity of Maui or statewide?

Caller: Just in Paia.

Scott: The only one I heard of, but I haven't read the document yet, but I understand the investigation is pretty close to being released. I thought it might be this week, and it might be. I'll walk upstairs, because I've got a 10:30, but I've got some time. I'm running

the rest of the day. I'll go check with Tom, and get back to you. I heard it was just the one home, was what I was made to understand. I don't know if they checked additional homes and if they found anything, but I'll check and let you know, Brad.

Caller: Yeah, if you could find out. My understanding is there is more homes, but you guys are refusing to release any documents, citing that the case-

Scott: A lot of the time, it's not our refusing to release as what the Attorney General's office tells us we can do in what sequence. I was told that this was by the Deputy AG, and that until the documents or the investigation is actually finished and given to the individual homeowner in this case, it can't get released to the general public. That hasn't happened yet. That's the way it was explained to me.

Caller: If you could just find out how many tested positive since maybe 2010, it's my understanding that you actually have cases from 2010 that have not been closed.

Scott: That is, in fact, true. I have initiated an effort within the Pesticide branch and the Attorney General's office to move along all of the old investigations so that we can do a much better job of staying current when investigations come in. It was part of the conversation that you and I had about this investigation, the one you're inquiring about, that it took two years to come up with a finished product on a report. I had a meeting in my office with the Attorney General's office president, [inaudible 00:05:07] and said, "That's unacceptable."

Caller: What's more concerning is, since my conversation with you, it's come to my attention that more homes have tested positive, and nothing was ever done. Nobody was warned. Nothing was done. No follow-up testing. No proactive testing of the school.

Scott: Again, I can't speak to that, because I need to walk upstairs and find out, (caller name).

Caller: If you could call me back, though, and let me know how many homes have tested positive.

Scott: I will call you back. It's a very busy day for me today, but you will hear from me again today.

Caller: My other concern is that there's also, Paia, it's a two-year cycle for cane. This is the end of the, they're burning and they're replanting, which is the time when they spray the most. The last couple months, they've had multiple reports of pesticide and herbicide overspray in Paia again. On occasions, Lester Chin has refused to sample, saying that you haven't washed your car for a couple weeks, so who knows what it was contaminated with. In another occasion, he went out to a home that he just sampled recently and then told the homeowner, "It's up to Thomas Matsuda to run the samples, and sometimes he chooses not to even run them." My concern is that samples are being taken, and they're not being run or analyzed, even though, here's a homeowner that complained of being oversprayed about five times in the last three weeks.

Scott: Yeah. Couldn't comment on third-hand reports of what an investigator might have said to whom, when, but I will check on what we're doing on samples. [inaudible 00:06:59] that we would have the discretion where we would choose not to run a sample that we took, but I'll find out.

Caller: One more thing, if you could find out, the time to sample. They've stated that it's several months before they'll actually, can possibly run the samples, because there's such a backlog. They had a case out here where an actual person was oversprayed, ended up at Kaiser, and Thomas Matsuda saying, "It could be several months before the sample's even run," which to me seems highly unacceptable.

Scott: I would, without knowing anything else, based on that, say, "Yeah." I would agree. Let me, I need to check, (caller name), before I comment.

Caller: Do you know, in that case, they were spraying in very high winds and everyone who's tried to get information about how to see if they were in violation of the label has run into roadblocks because your department won't say exactly what was sprayed, HGMS will say what was sprayed after. They actually won't either, but we know what was sprayed, but not the exact registration number for the EPA so we can pull the label to see if wind speeds were violated. Will your department release the registration numbers? How do we get that, so we can see on that particular day, whether or not they were in violation of the label?

Scott: I have no idea what this situation is other than what you told me, so I would need to check on that, also.

Caller: It was December 3rd. I believe they were spraying in 15 to 28 mile-an-hour winds. It was a combination of 2,4-D Rifle Prowl, which is Hexazinone and Ametryn, Pendimethalin, Diuron and Dicamba. That was all in one mixture. They were spraying it with a tractor with a covered boom. The winds were 14-28.

Scott: Got it. You know what would be good, Brad? I've got somebody coming through the door in four minutes for a 10:00. Do you have my email address?

Caller: I don't. What is it?

Scott: It's scott.enright.

Caller: It's at?

Scott: At kauai.gov. If you could, in bullet form, give the five questions that you want me to take up, want me to research and get back to you today on. If you could send that to me, I'll grab it when I'm done with this 10:00 and walk up and see Tom.

Caller: Perfect. I will send it off within the next 30 minutes or so.

Scott: I will, as I said, get back to you today. Also, I take it you're very proactive on this. I'm going to give you my cell phone number. It's just for you, (caller name). Please don't give it to everybody in the world, or I'll have to change my number.

Caller: You have my word.

Scott: (cell number).

Caller: This is-

Scott: That's the best way. When I was out sick, if you had sent me a text that said, "I need to run something by you", it's easier for me to get back to you rather than the messages sitting in the office for when I come back in. They don't necessarily send me all my messages, because there are quite a few. They wait until I come back in the office.

Caller: I will go ahead and send you an email as well. I look forward to hearing back from you.

Scott: Yep, you will.

Caller: Thanks for the phone call.

Scott: Okay, great. Bye.

Caller: Mahalo, Bye. Scott Enright to (caller name), 10:00 am, Tuesday, December 15, 2015.

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